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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,818	12/05/2001	Su-Yueh Hsieh Hung	3380-0148P	2821

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EXAMINER
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EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/001,818

Applicant(s)

HSIEH HUNG, SU-YUEH

Examiner

Timothy Edwards, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed November 12, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive. Applicant's argument is based on claims as amended. Therefore, examiner maintains office action dated August 25, 2004 because cited reference disclosed claims as originally presented.

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarussi '242.

Considering claim 1, Sarussi discloses a physiological stress detector device and method comprising, a) a heartbeat detector for detecting a pulsation signal (see col 5, lines 65-67, col 15, lines 45-50 and col 18, lines 12-14); b) a signal processing circuitry for converting and amplifying the pulsation signal into a processed signal (see col 11, lines 25-29 and col 12, line 62 to col 13, line 9); c) a radio frequency wireless signal

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transmission circuitry for transmitting the processed signal (see col 11, lines 56-62 and col 13, lines 6-9); d) a wireless receiver circuitry for receiving a processed signal via the radio frequency (see col 3, lines 59-64 and col 6,45-49); 1) except converting the signal into a heartbeat rate is not specifically recited by Sarussi. However, Sarussi discloses in col 5, lines 65-67 his sensing device is used to monitor heart rate. Sarussi, also, discloses in col 11, lines 49-63 the processed sensor signal from a central processing unit (44) is transmitted by an RF transmitter (50) to a receiver (60) for remote station processing. Also, Sarussi states, the readings can be radio transmitted to a base station, possibly a nurse's station, to allow monitoring of the reading (col 3, lines 59-64) and used in a hospital environment (col 18, lines 20-23). One of ordinary skill in the art would readily recognize a signal presented at a nurse's station would be in a visual display and in a format that would allow the nurse to immediately recognize the status of the patient. This would suggest the readings of a heart rate signal could be converted into a heartbeat rate because heartbeat rate signal are read on monitors in a hospital and Sarussi discloses monitoring heart rate and processing the signal at a remote location. Therefore, it would have been obvious to one of ordinary skill in the art the Sarussi system would have the means to convert a heart rate signal in the a heartbeat rate signal because Sarussi discloses processing the heart rate signal at a remote location; e) displaying a monitored signal is disclosed in col 3, lines 59-64 and col 17, lines 31-36; except displaying a heartbeat rate is not specifically recited. However, obviousness is as stated in part (1) above.

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Considering claim 2, Sarussi discloses the limitation of this claim in col 9, line 61 to col 11, line 42.

Considering claim 3, Sarussi discloses the limitation of this claim in col 17, lines 37-52.

Considering claim 4, Sarussi discloses the limitation of this claim in col 4, lines 11-14 and col 11, lines 1-16 see figs 4, 5A, and 5B.

Considering claim 5, Sarussi discloses the limitation of this claim in col 2, lines 6-11, col 4, lines 11-14, col 11, lines 17-30 and lines 56-62 and col 17, lines 48-67.

Considering claims 6 and 7, Sarussi discloses the limitation of this claim in col 11, lines 56-62 see fig 6, item 50.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tammi et al '180 and Birnbaum et al '424 disclose monitoring heart rate and displaying a heartbeat rate. Birnbaum discloses optically monitoring heart rate.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Tuesday-Friday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Mondays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571) 272-3068.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or fax to:

(703), 872-9314 (for formal communications intended for entry)

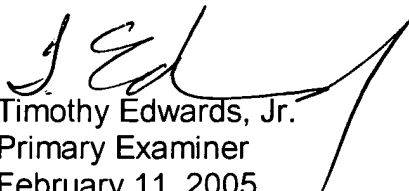
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

  
Timothy Edwards, Jr.  
Primary Examiner  
February 11, 2005